

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:19-CV-253-D

BRANDON WILLIAMS,

Plaintiff,

v.

STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR, and  
COMMISSIONER DEPARTMENT  
OF MOTOR VEHICLES,

Defendants.

**ORDER**

On June 9, 2019, Brandon Williams (“Williams” or “plaintiff”), appearing pro se, applied to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On June 26, 2019, the court referred the motion to Magistrate Judge Swank for frivolity review [D.E. 2]. Williams then filed petitions for judgment [D.E. 5, 6, 7, 8]. On October 14, 2019, defendant Commissioner Department of Motor Vehicles filed a motion to dismiss and supporting memorandum [D.E. 12, 13]. On October 23, 2019, and October 25, 2019, Williams filed responses to the motion to dismiss [D.E. 15, 16]. On November 6, 2019, Williams filed a notice of violation of Rule 12(a)(2) and an affidavit [D.E. 17, 18]. On December 12, 2019, Williams filed a notice of appeal for violation of Rule 12(a)(2) [D.E. 19]. On January 23, 2020, Magistrate Judge Swank issued a Memorandum and Recommendation (“M&R”) and recommended this court grant Williams’s application to proceed in forma pauperis and dismiss Williams’s complaint for failure to state a claim [D.E. 23]. Williams did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b)(1). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 23].

In sum, Williams’s application to proceed in forma pauperis [D.E. 1] is GRANTED, and Williams’s complaint and other motions [D.E. 5, 6, 7, 8, 12] are DISMISSED.

SO ORDERED. This 12 day of February 2020.

  
JAMES C. DEVER III  
United States District Judge